

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GREGORY GENE PHILLIPS,

Plaintiff,

v.

TIM SMALLS, et. al.,

Defendants.

CASE NO. 20-5047 RJB-DWC

ORDER ADOPTING REPORT AND  
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of U.S. Magistrate Judge David W. Christel. Dkt. 61. The Court has considered the Report and Recommendation (Dkt. 61), Defendant Kathy Cavanagh's Response to the Court's Request for Statement of Jurisdiction (Dkt. 62), in which she consented to the Court's jurisdiction over her in this case, and the remaining record.

In this 42 U.S.C. § 1983 case, Plaintiff, a *pro se* prisoner, alleges he was unconstitutionally confined past his release date and asserts that Defendant Phillip Kuhlman, a Community Custody Officer, used excessive force against him. Dkt. 47. The Report and Recommendation recommends granting the Defendants' motion for summary judgment on the

1 Plaintiff's excessive confinement claims and denial of the motion for summary judgment on the  
2 excessive force claims. Dkt. 61.

3 For the reasons provided therein, the Report and Recommendation (Dkt. 61) should be  
4 adopted. No objections were filed. The case should be re-referred to U.S. Magistrate Judge  
5 David W. Christel for further proceedings.

6 **IT IS SO ORDERED.**

7 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
8 to any party appearing *pro se* at said party's last known address.

9 Dated this 4<sup>th</sup> day of August, 2021.

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11 ROBERT J. BRYAN  
12 United States District Judge  
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